IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5546 OF 2004

Perfect Coating (I)
Pvt.Ltd. and Ors. ..Applicants

Vs.

VCM Polyurethanes
Pvt.Ltd. & Anr. ..Respondents

...

Mr.S.U.Dhakephalkar Advocate for Applicants
Mr.A.S.Khandeparkar i/b M/s.Mandrekar and
Co.for Respondent no.1
Mr.R.S.Khadapkar A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 15,2005

P.C.

1. Heard the learned advocate for the applicants, learned advocate for the respondent no.1-original complainant and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai in C.C.No.553/S/2002. In the said case process was issued against the applicants under Section 138 r.w.141 of Negotiable

Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within five weeks from today. In view of this statement, interim relief granted earlier, is extended for a period of five weeks from today. The learned advocate for the applicants makes a statement that notice of filing revision will be given to the advocates of the respondent-original complainant two days in

advance.

. The learned advocate for the respondent no.1-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]